

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ JUL 14 2011 ★

LONG ISLAND OFFICE

-----X
DELMÍ MARTINEZ-LOPEZ, as Guardian of the
Person and Property of Raul A. Martinez,

Plaintiff(s),

- against -

COUNTY OF SUFFOLK,

Defendant(s).
-----X

PLATT, District Judge.

Magistrate Judge Wall filed a Report and Recommendation, dated June 28, 2011, in response to Defendant's Letter Motion to Dismiss. *See* ECF Nos. 26, 27. For the reasons set forth in the Report, and his Order dated March 22, 2011, Magistrate Judge Wall recommended dismissal. In the Report, Magistrate Judge Wall noted that Plaintiff had fourteen days to file objections to his recommendation. ECF No. 27 at 1. Defendant has not filed any objections.

After reviewing the Report and Recommendation of a magistrate judge, the district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). "The district judge is not required to review factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed, so long as such are not clearly erroneous." *United States v. Burke*, 09-CR-135, 2011 WL 2609837, at *1 (E.D.N.Y. July 1, 2011) (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. Pro. 72(B)(3); *Allen v. Senkowski*, 97-CV-3296, 2003 WL 169788, at *1 (S.D.N.Y. Jan. 24, 2003)).

ORDER
09-CV-742 (TCP) (WDW)

The Court does not find Magistrate Judge Wall's Report and Recommendation to be clearly erroneous. The Court accepts Magistrate Judge Wall's recommendation and, therefore, **GRANTS** Defendant's motion to dismiss.

SO ORDERED.

Dated: July 14, 2011
Central Islip, New York

Thomas C. Platt, U.S.D.J.